



Transcript of Mark W. Pennak

Date: March 2, 2018

Case: Maryland Shall Issue, Inc., et al. -v- Hogan, et al.

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EXHIBIT 17

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3
4)
5 MARYLAND SHALL ISSUE, INC., et)
6 al.,)
7 Plaintiffs,)
8 -vs-) No. 16-cv-3311-MJG
9 LAWRENCE HOGAN, et al.,)
10 Defendants.)
11
12

13 DEPOSITION OF MARK W. PENNAK

14 MARCH 2, 2018

15 BALTIMORE, MARYLAND

16 10:30 A.M.
17
18
19

20 JOB NO.: 178306

21 PAGES: 1 - 59

22 REPORTED BY: LAURA MAES, CSR 9836

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1 talk about whether or not they're
2 training-exempt. You would have to talk about
3 whether or not they have access to a trainer who
4 has access to a range. You would have to talk
5 about whether or not they already have a firearm
6 that they can use or whether or not they have to
7 borrow the firearm.

8 You would have to talk about the
9 availability of a whole host of factors that go
10 into satisfying each of the requirements set out
11 in the statute and in State Police regulations,
12 and that varies all over the map.

13 So to say that there is a range is very
14 hard to do.

15 Q. Well, let's break it down. Let's talk
16 about the training -- the live-fire training
17 that's required in order to obtain a Maryland
18 HQL.

19 As the designee of MSI, do you have a
20 sense of how much that training typically costs?

21 A. I can tell you that I'm a member of the
22 Izaak Walton League. The Izaak Walton League

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1 charges a minimum of \$75 to obtain the HQL as
2 part of a class.

3 Q. You say a minimum of \$75?

4 A. Yes, I think that is their -- they have
5 a fee schedule. I think it says \$75.

6 If there's a private instruction, it may
7 well be more.

8 Q. Private instruction is not required, is
9 it?

10 A. Required by who?

11 Q. In order to obtain an HQL.

12 A. As far as I know, the State Police do
13 not require private instruction.

14 Q. So \$75 for the training.

15 Are there any other fee -- what about
16 the fingerprinting fees? Do you have a sense of
17 how much that costs in a typical HQL application?

18 A. That -- that varies between \$50 to \$69,
19 in my experience.

20 Q. Are there any other fees that need to be
21 paid in connection with an HQL application?

22 A. Well, there's the fee that you have to

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1 pay the State Police.

2 Q. And how much is that?

3 A. My recollection is that it's \$75. It's
4 in the statute -- or \$50. I'm sorry.

5 Q. Are there any other fees that you, as
6 the designee of MSI, are aware of that need to be
7 paid in connection with an HQL application?

8 A. Well, are you talking about fees or
9 costs?

10 Q. Let's talk about fees right now.

11 A. Well, the fees for the fingerprinting,
12 the fees for the training, the fees for the
13 application -- those fees are the only ones I can
14 think of at the moment.

15 Q. And how long does the training take?

16 A. Four hours, by statute.

17 Q. Let's go through the subject matters on
18 the notice, which is Exhibit 19.

19 No. 1, can you, as the designee of MSI,
20 provide the identity of any specific individuals
21 who are members of MSI who have been deterred
22 from purchasing a handgun for in-home

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1 self-defense due to the expense and inconvenience
2 of Maryland's HQL requirements?

3 A. Yes, I can. I can't give you the
4 identity as to people who -- as a defined term,
5 but I can tell you that we identified persons in
6 our answers to interrogatories, at least those
7 individuals. And I know of many more who have
8 been deterred by these requirements.

9 Q. All right. Well, let's look at the
10 answers to interrogatories. I'll have the
11 answers marked as Exhibit 20.

12 (Exhibit 20 was marked for identification and
13 retained by Counsel.)

14 Q. Can you direct me to where are these
15 answers MSI identifies its members that have been
16 deterred from purchasing a handgun by the expense
17 and inconvenience of Maryland's HQL requirements?

18 A. The individuals in Response -- are
19 identified in Response No. 1. Each of those
20 individuals is a member of MSI.

21 Q. So that would be Deborah Kay Miller,
22 John Matthew Clark, Dana Hoffman, and Scott

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1 Miller; correct?

2 A. That would be correct.

3 Q. All right. Are there any other members
4 of MSI that you, as the designee of MSI, can
5 identify who have been deterred from purchasing a
6 handgun for in-home self-defense due to the
7 expense and inconvenience of Maryland's HQL
8 requirements?

9 A. There are numerous members of MSI who
10 have been deterred by such requirements. I'm not
11 prepared to "identify" them, as a defined term,
12 by providing that person's full name, last known
13 address and telephone number, and last known job
14 title and employer or business affiliation.

15 Q. Why don't you just give me their names
16 to start?

17 A. I do not have that information with me
18 at the moment.

19 Q. So you don't have the names of any
20 individuals, other than the four that are
21 identified in the answers to interrogatories, of
22 MSI members that have been deterred from

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1 A. MSI's membership grows and prospers by
2 the exercise of these rights by law abiding
3 citizens because, as they acquire handguns for
4 the purposes of self-defense, they understand the
5 need for representatives such as MSI to defend
6 those rights in court proceedings, such as this
7 one, and proceedings before the General Assembly
8 and in proceedings before other administrative
9 bodies, including the Handgun Review Board, and
10 in informal discussions with representatives of
11 Maryland State Police.

12 So, yes, the reality is that the more
13 law abiding persons have handguns, the more
14 likely they are to become members of MSI and to
15 support MSI through contributions and volunteer
16 efforts.

17 Q. But, again, my question was: There's
18 not anything in the HQL statute that prohibits
19 MSI from promoting its point of view with respect
20 to gun ownership?

21 A. Asked and answered.

22 Q. And your answer is..?